



MARK BOSTER Los Angeles Times

### FAMILY TIES

Fred Jingles, 17, holds the hands of his biological mother, Kimberly Freeman, left, a Twin Towers Jail inmate, and his aunt LaVetta White in Pasadena Juvenile Court on Tuesday during adoption proceedings. Fred has spent four years in the foster care system and seven months in a probation camp. The adoption by his aunt and uncle required the efforts of multiple county agencies.

# Deputy says he wore FBI wire

Sat 6-1-13 LA Times

[Wire, from AA1]

clined to say if he ever did other official favors.

Tamayo said he told federal agents that the captain instructed about a dozen sheriff's employees to sell 10 fundraiser tickets each, saying the order came down through the chain of command from Sheriff Lee Baca — an allegation his spokesman denied. It is unclear what specific law such conduct might violate.

Tamayo provided The Times with a text message exchange he said he had with an FBI agent during the secret recording. The messages show Tamayo being coached on how to use his recording equipment and what to say.

In one text, Tamayo is instructed to mention Trutanich and to bring up "the difference between the truth and staying loyal." Do so "at your own pace," he was advised.

"You're doing fine.... End well so you can stay in touch" the messages continue. "OK when you have a chance turn everything off, we'll meet you at ihop."

The Times was not able to corroborate Tamayo's allegations. For example, of the 10 individuals he said he sold fundraising tickets to, the names of only three could be found on Trutan-

**'You're doing fine.... End well so you can stay in touch. OK when you have a chance turn everything off, we'll meet you at ihop.'**

— TEXT MESSAGES  
reportedly from FBI agent

ich's donor rolls. Asked about the lack of documentation, Tamayo said many of those who gave did not want their names on the donor list. One of those not on the rolls told The Times that though he had donated and volunteered for the Sheriff's Department before, he did not recall giving in this instance and did not remember meeting Tamayo.

The captain whom Tamayo accused of misconduct declined to comment, referring questions to his attorney, who did not return calls.

It's unclear what the FBI's interest level is in the improper political fundraising allegation. The FBI has

been investigating the sheriff's jails since at least 2011. An FBI spokeswoman declined to comment.

Two other deputies told The Times that they too were asked by the FBI to wear a wire. One said he was asked to record meetings he had scheduled inside department headquarters with high-ranking sheriff's officials, but ultimately the request was withdrawn. The other said he refused requests to record a department supervisor. The deputies asked to remain anonymous because they are not authorized to speak to the media about the ongoing federal probe.

Baca's spokesman, Steve Whitmore, said any claim that Baca ordered sheriff's employees to raise money for the Trutanich event was "absurd."

"The sheriff," he said, "has never pressured or ordered anybody to engage in fundraising."

Baca has been an active campaigner for politicians across the county for years. His endorsement of Trutanich for district attorney drew criticism last year after he appeared in uniform in an Internet campaign ad — a violation of state law. The video was quickly edited to remove Baca's image, after inquiries from The Times.

Tamayo said he knew of nothing to suggest that Trutanich was aware of any order to employees to sell fundraiser tickets. Representatives of Trutanich did not respond to requests for comment.

Paul Tanaka, whom Baca recently ousted as the department's second in command, contends that the sheriff has engaged in improper campaigning in the past. He said that in about 2004, when Baca was campaigning for a sales tax increase to fund law enforcement, he ordered former Undersheriff Larry Waldie to go to tow companies that had sheriff's contracts and pressure them to donate.

"I don't remember the exact words but something to the effect of 'We make them a lot of money because of the tow contracts with us so they should contribute to this campaign,'" said Tanaka, who is considering running against Baca next year. Tanaka, who has himself been criticized for accepting political donations from sheriff's employees, called Baca's request improper: "The tow companies are not obligated to part with their hard-earned money."

Whitmore denied that Baca gave such an order. Reached by phone, Waldie declined to comment.

Tamayo claims that the captain also ordered him to routinely pick up donations for the agency — sometimes in what appeared to be envelopes full of cash — from wealthy residents in the area. The captain, Tamayo said, would compare big givers to golf balls, saying: "Tee 'em up.... See how far they go."

It is a common practice for law enforcement agencies to raise donations for their departments or charitable causes, but Tamayo said the donors he picked up money from received special treatment from the Sheriff's Department.

One of Tamayo's attorneys, Jacob Glucksman, said he arranged and attended the meeting between the FBI and Tamayo at which agents asked the deputy to wear a wire.

"He felt that the FBI was the only credible and trustworthy place to go," said Glucksman, a former county prosecutor.

Tamayo's other attorney, Greg Smith, who ran unsuccessfully for city attorney this year, also said Tamayo wore a wire for the FBI.

robert.faturechi  
@latimes.com  
jack.leonard@latimes.com  
andrew.blankstein  
@latimes.com





# Lots of blame to be shared

Since 6-2-13 L.A. Times  
Family Services agency must answer for child's horrific death

STEVE LOPEZ

He was 8 years old.

That's a great age for most kids. They're curious, innocent, full of life.



But Gabriel Fernandez of Palmdale was in a living hell, by official accounts, and had stopped breathing when paramedics arrived at his home on May 22.

His skull was fractured in two places. Two ribs were broken. Teeth had been knocked out or possibly yanked out. BB pellets were embedded in his lung. His skin had been burned.

It's a horrific, stomach-turning level of abuse, as detailed Friday in a Page One story by my colleague Garrett Therolf, and it's impossible to understand how anyone could do that to a child.

Two days after he was hospitalized, Gabriel died. His mother, Pearl Fernandez, and her boyfriend, Isauro Aguirre, were charged with murder and torture. Aguirre told authorities he had beaten Gabriel on numerous occasions "for lying and being dirty," according to authorities.

If they're guilty, I can't think of a penalty too severe. But the mother and boyfriend are not the only ones who will have to answer for Gabriel's death.

The L.A. County Department of Children and Family Services, with a long string of shocking failures in the deaths of children, is in the middle of this one, too. The agency left Gabriel in his mother's care despite six allegations of abuse over the past decade involving Gabriel and other children.

And we're not talking about scant evidence that Gabriel was in danger.

Caught up in a family dispute over his guardianship, Gabriel was taken from relatives last October by his mother. Immediately

afterward, Gabriel's teacher reported that the boy had facial bruising and said his mother had struck him with a belt buckle and punched him in the stomach.

A month later, the same teacher said Gabriel came to school with a "busted lip" and claimed his mother had punched him.

In January of this year, the teacher reported that Gabriel's face was swollen and bruised and he said his mother had shot him in the face with a BB gun.

In March, a therapist reported that Gabriel might have been sexually assaulted by a relative, and that he had indicated he might kill himself.

Eight years old, and this poor child was thinking about suicide.

And what was Family Services doing all the while?

Not nearly enough. Some of the allegations couldn't be substantiated by caseworkers, and Gabriel recanted some of his own statements. But how hard could it have been to connect the dots?

There's no indication that anyone from Family Services considered the totality of the allegations, or gave enough consideration to the fact that Gabriel's mother had a criminal record and a history of gang involvement and substance abuse.

A confidential internal review of the case found evidence of multiple failures on the part of department employees. Among other problems, the review found that "the case plan was inadequate," the department "did not complete required visits," an investigation was closed "despite no resolution to problems," there was inadequate or no contact with other family members, and that Gabriel was not interviewed in a neutral location, away from those who might influence his answers.

All of that is inexcusable. So is the fact that at the time of Gabriel's death, one abuse allegation had not yet



**GABRIEL FERNANDEZ'S** mother and her boyfriend have been charged with murder and torture.

been resolved, and the social worker on the case "made minimal attempts to investigate," according to the review.

So what did Family Services Director Philip Browning do about all of this?

He put four employees on desk duty pending further review.

Desk duty? You mean they're still on the job and getting paid to make decisions about children's lives?

I would have had a different assignment for them and anyone else who touched this case: Leave the building immediately. Depending on their level of involvement, I would have fired them or suspended them without pay while the review continues. And I would have lined all their supervisors up against the wall and ordered them to explain how there could have been such a catastrophic breakdown.

Sure, these are difficult jobs and thousands of kids are at risk at any time. And although Family Services employees do a lot of good and even heroic work under difficult circumstances, some children will die because their own relatives are monsters.

But Gabriel Fernandez is dead despite overwhelming evidence that he was in peril for months, if not longer. And a recent review of the

department found that in 15 other cases where a child died, nobody was fired despite "egregious errors" by department staff.

Maybe this leniency is why Browning is having so much trouble changing the "culture" of the department, as he's been trying to do in his 15 months on the job. By some accounts, he's made some headway, and in an interview Friday he laid out several ways in which he's trying to establish more "common sense, critical thinking and accountability."

"It defies my imagination how someone could not have seen this coming," Browning said. But then he began to couch it, saying that "Monday morning quarterbacking is very easy" and the "culture can't be changed overnight and it can't be changed in a year or two."

Nonsense. Just tell people to do their jobs, and crack down on them when they don't.

If Browning can't get the job done soon, the Board of Supervisors — which ultimately is responsible for this long-running nightmare — should find a replacement.

At 2:52 p.m. on May 24, Gabriel Fernandez of Palmdale was pronounced dead.

He was 8 years old.

steve.lopez@latimes.com

Fr 5-31-13  
**County  
missed  
signs  
of boy's  
abuse**

Palmdale child, 8, died last week. His mother was the focus of multiple inquiries by social workers.

BY GARRETT THEROLF

When paramedics arrived at his Palmdale home last week, 8-year-old Gabriel Fernandez's skull was cracked, three ribs were broken and his skin was bruised and burned. He had BB pellets embedded in his lung and groin. Two teeth were knocked out of his mouth.

His mother's boyfriend allegedly told authorities that he beat Gabriel repeatedly for lying and "being dirty," according to confidential county documents reviewed by The Times.

Los Angeles County's Department of Children and Family Services left Gabriel in the home despite six investigations into abuse allegations involving the mother over the last decade.

He died Friday of his injuries. His mother and her boyfriend were charged with murder and torture. They have not entered pleas, but records show Gabriel's mother told paramedics that the boy's injuries were a result of self-mutilation.

Social workers appeared to miss numerous warning signs at the home, according to the county documents.

Gabriel had previously written a note saying he was contemplating suicide, records show. His teacher told authorities he often appeared bruised and battered at school. BB pellets left bruises across his face. For reasons that are not clear, all but one investigation was determined to be "unfounded."

At the time of Gabriel's death, there was yet another, unresolved allegation of child abuse in his file. That referral has lingered two months past a legally mandated deadline for completing an investigation, records show.

The social worker assigned to that case did not make first contact with the family until 20 days after the complaint was received, and then "made minimal attempts to investigate," according to an internal county report.

"The red flags were all over the place. They were ignored."  
[See Abuse, A13]



**PARAMEDICS** found Gabriel Fernandez with a cracked skull, broken ribs and other injuries.

Tues 6-4-03 L A Times

# The Gabriel Fernandez case

**T**HERE IS NOTHING more outrageous than the death of a child at the hands of an abusive parent who was under the watch of child welfare workers who, in the end, didn't step in and stop the abuse. Such appears to be the case with the death of 8-year-old Gabriel Fernandez. All the elements are there for a high-pitched emotional public response: Politicians. Government bureaucrats. Bad parents. And an innocent child, now dead.

But if the public and the county supervisors leave their setting on outrage, experience shows that the result is too often a cycle of invective, firings, discipline and policy changes that may satisfy a hunger for action, but only of the wheel-spinning sort. Los Angeles County has been through this countless times, reacting with unfocused anger to the cruel death of a child, with the result that the Department of Children and Family Services has run through 17 permanent directors or temporary leaders over the last 25 years, and that it has added and then eliminated layers of supervision and reporting. The churn of leadership and the changes of policy and procedure are to no avail, and in fact are counterproductive, if they fail to move the child welfare system any closer to improvement. If it is to have any chance of being useful, the outrage must in the end yield to a more mundane, clinical analysis of what went wrong. And then the difficult, sloggy work of adjusting, supervising, overseeing, improving.

Let's be clear that outrage, in the case of Gabriel Fernandez, is warranted. The details of his abuse and death, as set forth in internal county documents and reported by Times staff writer Garrett Therolf on May 30, are gruesome and depressing. There had been numerous investigations into allegations of neglect and emotional and physical abuse against him and his siblings dating back to 2003. Hospital reports tell of head injuries, BB gun wounds, fractures and bruises. Pellets were found in his groin and his lung.

Gabriel's teacher told of bruising on his face and hands, scratches on his head, a swollen face. The child reportedly told authorities he had been sexually abused and shot in the face with a BB gun. A suicide note was discovered.

Repeated referrals to the Department of Children and Family Services resulted in investigations, followed by determinations that allegations of abuse were unfounded. One referral was still open, two months after the state's legal deadline for completing an investigation, at the time of the child's death on May 24.

parently unheeded warnings to county authorities whose purpose is to ensure the safety of children.

The job of a child social worker is exceedingly difficult, perhaps nowhere more so than in Los Angeles County. When tragedies (or "critical incidents," as they are called in county reports) occur, frontline workers who chose the profession out of a sense of dedication to child welfare and spent years in training are often branded in the public as incompetent or lazy. Caseloads are large. Managers, hoping to respond to or avoid a tongue-lashing or worse from the Board of Supervisors, respond to each incident with a new policy or practice, a new form to complete, a new layer of oversight, resulting in an ever-expanding policy manual that is now about 6,000 pages long — impossible for a child social worker to read, let alone follow.

Frontline workers often feel under assault, and they quickly learn to hunker down

and keep their heads low. Even that isn't easy. The majority of children who die due to abuse or neglect do so in their parents' home, so there is an obvious incentive for social workers wanting to avoid scrutiny — wanting to avoid responsibility for the next Gabriel Fernandez — to recommend removing children from their homes even when it isn't clear how serious the threat is. But evidence also shows that children taken from their par-

ents and referred to foster care suffer psychologically, generally perform more poorly in school, are more likely to become involved in the delinquency system and have trouble coping with life once they become adults — so there is an incentive too to keep families united or, at least, to be able to produce numbers that show fewer children being removed from their homes. Judgment is needed above all, but judgment means choice, choices can be wrong, and consequences for the worker can be serious.

A succession of confidential internal county reports to the Board of Supervisors advise that failures begin on the front end, with workers who have been improperly trained, don't perform investigations properly, don't use assessment tools correctly and don't communicate well. That implies continuing failures up and down the line — with hiring, training, supervising.

The bucks stops with the Board of Supervisors. Its task is to walk the very narrow line between outrage — the fury that can result in a round of recriminations, purges and policy swings, without any actual improvement in department culture and practice — and the fatalistic notion that in a county the size of Los Angeles, improvement is beyond reach. It's not. There may always be tragic child deaths. But we can do better.

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Yes, there will  
always be deaths  
in the child  
welfare system.  
But that doesn't  
mean we can't,  
and shouldn't,  
do better.

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# Boy left in home despite abuse

[Abuse, from A1]

nored. It is just inexplicable to me," said county Supervisor Zev Yaroslavsky, noting that the Sheriff's Department was also aware of the abuse allegations.

Department of Children and Family Services Director Philip Browning acknowledged in an interview that the system failed Gabriel.

The case illustrates a need for more "critical thinking and common sense" in evaluating cases, he said.

Four social workers have been placed on desk duty pending possible disciplinary action.

But Gabriel's death sent fresh shock waves through the county's child protection bureaucracy, still struggling to implement reforms after dozens of abuse and neglect deaths in recent years involving children who had been under the system's supervision.

The department has been criticized for lenient treatment of workers who fail to properly protect children in cases such as Gabriel's. One recent internal agency review found no workers had been fired in 15 instances where children died, even when their errors were deemed "egregious."

"I feel like they all should be fired," said Elizabeth Carranza, Gabriel's aunt. "They didn't listen to my nephew. They were completely deaf and blind."

Gabriel's relatives and friends have mobilized to put pressure on the department to hold workers accountable and take evidence of child abuse more seriously. Several protests have been staged, and a Facebook page has gathered over 20,000 supporters.

"We are protesting their handling of this case 300% because we want to make sure this never happens again," Carranza said.

Browning said Gabriel's case is complex and defies "simple solutions," but he encouraged people who know about child abuse to contact department managers if they encounter non-responsive workers.



**RELATIVES** of Gabriel Fernandez want L.A. County to take child abuse more seriously.

"If all else fails," he said, "I want them to contact me. I answer calls from foster children, staff, foster parents, anyone."

A decade ago, Gabriel's mother, Pearl Fernandez, came to the attention of county social workers when her oldest son suffered a head injury during a car accident. He was wearing no seat belt, prompting an allegation of severe neglect, according to county records.

A year later, a relative reported that Pearl beat the same son and did not want him, but social workers decided the complaint was unfounded.

Gabriel was born in 2005 and went to live with relatives soon thereafter. He had little interaction with his mother for years, relatives said, and the two barely acknowledged each other at family gatherings.

Pearl later told social workers that she had a history of gang involvement, drug use and mental health problems.

In 2007, social workers received a complaint that Pearl did not feed one of her daughters and threatened to break her jaw when she cried.

The following year, Pearl was convicted of using a weapon in a reckless manner in Texas and was sentenced to two weeks behind bars,



IRFAN KHAN, Los Angeles Times

**ISAURO AGUIRRE**, Gabriel's mother's boyfriend, allegedly told authorities he beat the boy for lying.



IRFAN KHAN, Los Angeles Times

**PEARL FERNANDEZ**, Gabriel's mother, and Aguirre have been charged with murder and torture.

**'I feel like they all should be fired. They didn't listen to my nephew. They were completely deaf and blind.'**

— ELIZABETH CARRANZA, Gabriel's aunt, on the social workers in the case

according to court records.

In October, relatives said Pearl suddenly reclaimed Gabriel and two siblings from her parents, Emily Carranza, Gabriel's cousin, alleged "it was for the welfare money." Pearl told social workers she was concerned about the treatment of her son by relatives.

Within days, a call came to the child abuse hotline alleging that she was physically abusing the children. Social workers substantiated neglect but allowed her to keep her children and enter counseling.

Another call in October from Gabriel's teacher said he was bruised on his face and hands and the boy reported he was hit with a belt buckle that caused bleeding.

The following month, the teacher said he had scratches and a "busted lip," which the boy attributed to being

punched by his mother, records show.

In January, the teacher said his face was swollen and he had bruised dots all over his face. She said Gabriel told her his mother shot him in the face with a BB gun, according to county records.

At one point, his mother sent Gabriel to school in girl's clothing to humiliate him, relatives said.

During the investigations, Gabriel often recanted his stories of abuse. An internal county review criticized social workers for failing to interview Gabriel in a neutral setting away from his mother.

In March, Gabriel's therapist called 911 after discovering a suicide note by Gabriel. Authorities dismissed the complaint without removing him or hospitalizing him because he had no specific plan to carry out a sui-

cide, records show.

The same month, Gabriel's mother ended contact with county social workers, saying she did not need their help.

A new complaint was submitted by Gabriel's therapist on March 26 saying the boy reported once being forced to perform oral sex on an older relative, according to county records.

Gabriel later withdrew the allegation when interviewed by a social worker at his home. The investigation of the complaint remains open.

On May 22, firefighters were summoned when Gabriel stopped breathing. Two days later, he died. His siblings told investigators they heard "something" happen to Gabriel, but declined to elaborate, according to the county reports.

The county has been bat-

ting a backlog of child abuse investigations for years. The problem has been especially acute in the Antelope Valley, where Gabriel lived, because some of the department's least experienced social workers work there with the highest caseloads.

Only South Los Angeles and Compton receive lower levels of service, according to a 2010 report.

Although significant progress has been made in reducing the backlog, 3,450 children are currently subject to overdue investigations. County officials noted that 37 of California's 58 counties have a poorer record of meeting mandated investigation deadlines.

garrett.therolf@latimes.com  
Times researcher Kent Coloma contributed to this report.